

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

FREDERICK BANKS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:08cv336-DCB-MTP

D. BUTLER, et al.,

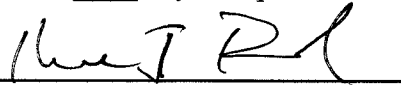
DEFENDANTS

ORDER OF DISMISSAL

This matter is before the court on a Motion to Dismiss Defendant Rachael Fieber [49] filed by Plaintiff. As Defendant Fieber has neither "serve[d]...an answer or a motion for summary judgment,"¹ the court finds that Plaintiff may dismiss this action against Defendant Fieber without prejudice voluntarily, pursuant to Fed. R. Civ. P. 41(a)(1).

IT IS, THEREFORE, ORDERED AND ADJUDGED that Plaintiff's Motion to Dismiss Defendant Rachael Fieber [49] is GRANTED and Plaintiff's claims against Defendant Feiber are hereby dismissed without prejudice.

SO ORDERED AND ADJUDGED this the 12 day of April, 2010.



United States Magistrate Judge

¹ The docket indicates that Ms. Fieber was served with process on February 26, 2010 and her responsive pleading is due on April 27, 2010. See [46].